



# MEMO ENDORSED

United States Attorney  
Southern District of New York

*Application Granted*

SO ORDERED:

*RMB*

RICHARD M. BERMAN U.S.D.J.

BY ECF

*11/2/23*

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

November 2, 2023

# MEMO ENDORSED

Re: *United States v. Alex Ulloa, 19 Cr. 707 (RMB)*

Dear Judge Berman:

The Government respectfully submits this letter in the above-captioned matter to request that the Court temporarily stay the Government's response to defendant Alex Ulloa's *pro se* motion for reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2). (Dkt. 84 (motion); *see* Dkt. 85 (directing Government and Probation Office to respond by Nov. 22, 2023)).

The motion seeks a sentence reduction through the retroactive application of United States Sentencing Guidelines Amendment 821, which took effect on November 1, 2023. The Government expects that District Judges will soon be receiving many such motions—at least hundreds, if not thousands. A working group comprising several District Judges and representatives of the Clerk's Office, the Probation Office, the United States Attorney's Office, and the Federal Defenders has been established to help create an organized process to address these motions in this district, including through the development of templates and the recent issuance of Standing Order 23 Misc. 407, which was filed on October 31, 2023 and appointed the Federal Defenders to represent all eligible defendants who may qualify for a sentence reduction. The United States Attorney's Office is also working to establish a process, including through the development of templates, by which these motions can be fairly and efficiently addressed by all parties.

Accordingly, the Government respectfully requests that the defendant's motion be stayed pending further establishment of the above-described processes, with the Government to file an update letter on or before January 5, 2024. The defendant will not be prejudiced by the requested stay, as any order retroactively applying the Amendment (assuming that it applies here) may not take effect before February 1, 2024. *See* U.S.S.G. § 1B1.10(e)(2) ("The court shall not order a

reduced term of imprisonment based on [the retroactive portions of] Amendment 821 unless the effective date of the court's order is February 1, 2024 or later.”).

Respectfully submitted,

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United States Attorney

by: 

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